

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE: MARY A. MILLER

Debtor

Case No. 15-60886-6-dd

Chapter 7

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**EX PARTE APPLICATION TO REOPEN CLOSED BANKRUPTCY  
CASE WITH WAIVER OF COURT COSTS AND FEES**

The affirmation of James F. Selbach, made under penalties of perjury, states as follows.

1. I represent Debtor and I make this affirmation in support of the *ex parte* application of Debtor, pursuant to 11 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010, for an order of this Court reopening the above captioned case. 11 U.S.C. § 350(b) provides that a closed “case may be reopened . . . to accord relief to the debtor.”
2. The Debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code on June 10, 2015. The Court issued a discharge order on September 9, 2015 and the case has been closed.
3. Debtor now desires to reopen her case to file a motion for violation of the automatic stay and discharge.
4. Capital One and Portfolio Recovery Associates, LLC (“Capital One”) were listed as creditors in the case and received notice from the Court of the commencement of the case.
5. On September 17, 2015 the Debtor received a letter demanding payment on a pre-petition debt from Portfolio Recovery Associates, LLC. The account being collected originally belonged to Capital One Bank, N.A (“Capital One”). A copy of the document is being attached hereto and made a part herein as Exhibit A.

6. Pursuant to 28 U.S.C. § 1930(f)(1), and the Bankruptcy Court Miscellaneous Fee Schedule of the Judicial Conference of the United States no fee is required to reopen the case because this is the enforcement of the rights of Debtor under the terms of the discharge.

**WHEREFORE**, based upon the foregoing, it is respectfully requested that this Court grant leave for Debtor to reopen the Chapter 7 bankruptcy case, and for any further relief that the Court may deem just and proper.

DATED: Syracuse, New York  
November 12, 2015

**SELBACH LAW OFFICES, P.C.**

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